IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

CRL.A.No. 816 of 2001()

CC.487/1999 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM
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APPELLANT: COMPLAINANT

EASWARAN NAMBOOTHIRI,
MELSANTHI, SRI.UDIYANNOOR DEVI KSHETHRAM,
MARUTHUMKUZHI, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: ACCUSED & STATE
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1. **THULASI BAI,**
CHATHANPARA VEEDU, VENPALAVATTOM,
ANAYARA P.O., THIRUVANANTHAPURAM.

2. **STATE OF KERALA, REP.BY THE**
PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.816 of 2001(C)

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Dated this the 3rd day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.487/1999 in the file of the Chief Judicial Magistrate, Thiruvananthapuram, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 04/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.816 of 2001(C)

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J U D G M E N T

3rd August, 2007